

**CAUSE NO. 13-19-00237-CR**

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**IN THE COURT OF APPEALS**  
**FOR THE THIRTEENTH JUDICIAL DISTRICT**  
**AT CORPUS CHRISTI, TEXAS**

FILED IN  
13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
1/14/2020 9:07:59 PM  
KATHY S. MILLS  
Clerk

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**DALLAS SHANE CURLEE,**

**APPELLANT,**

**VS.**

**STATE OF TEXAS**

**APPELLEE.**

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***APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE  
APPELLANT'S REPLY BRIEF and/or MOTION FOR LEAVE***

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TO THE HONORABLE COURT OF APPEALS:

COMES NOW, APPELLANT, DALLAS SHANE CURLEE, by and through his attorney of record, Luis A. Martinez, and files this, APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S REPLY BRIEF and/or MOTION FOR LEAVE, and requests that this Honorable Court of Appeals accept Appellant's Reply Brief filed on, or about, January 14, 2020, and as reasonable explanation for this motion, would show unto this Honorable Court of Appeals the following:

**I.**

Appellant's Reply Brief was due on, or about, December 30, 2019. This

case has not been set for submission at the time of this filing and the contemporaneous filing of Appellant's Reply Brief on January 14, 2020.

## **II.**

The undersigned attorney is responsible for the preparation of Appellant's briefing.

## **III.**

The facts recited in this motion are apparent in the record, known to the Court, or are within the undersigned's personal knowledge and are true and correct.

The State filed her brief on, or about, December 9, 2019. A reply brief was therefore due on, or about December 30, 2019. Aside from other obligations in the local juvenile, misdemeanor and felony courts preceding the Christmas/New Year's holiday, the undersigned also filed briefing in this Honorable Court in *Benavides v. State* on December 9, 2019, as well as *Guajardo v. State* on December 20, 2019. The undersigned was out of the office between December 24, 2019 and January 1, 2019 for the Christmas/New Year's holiday.

During the last two weeks, health issues have not allowed the undersigned to complete the briefing. During that time, the undersigned has attempted to complete this reply brief as well as briefing in *Serena v. State*. This reply brief was completed as soon as possible given the circumstances immediately before and

after December 30, 2019, and before any setting on this matter for submission.

Due to the foregoing, the undersigned respectfully requests that the Court of Appeals extend the time for filing of the reply brief in this case by 15 days to January 14, 2020, and accept the Reply Brief filed this day as timely.

In the alternative, the undersigned did not intentionally, or with conscious disregard to the Court of Appeals or the rules of appellate procedure, fail to file the reply brief in in this matter. The undersigned respectfully requests that this Honorable Court of Appeals grant leave for the Reply Brief filed January 14, 2020, accept Appellant's Reply Brief as filed and to be considered in this appeal.

Finally, in no event, was the failure to file the reply brief by December 30, 2019, in this matter the fault of Appellant, and he should be allowed to continue his appeal and the briefing filed on his behalf considered.

WHEREFORE, Appellant requests this Honorable Court of Appeals extend the time for filing Appellant's Reply Brief to January 14, 2020. In the alternative, Appellant requests that the Court grant leave for Appellant's Reply Brief filed on January 14, 2020, accept and consider Appellant's Reply Brief in this appeal filed on, or about, January 14, 2020, and for such other and further relief to which Appellant is justly entitled.

Respectfully submitted,

LUIS A. MARTINEZ, P.C.

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Luis A. Martinez

State Bar No. 24010213

ATTORNEY FOR APPELLANT

**DALLAS SHANE CURLEE**

#### **IV.**

#### **CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing document was served upon the Honorable Douglas K. Norman, Jackson County Special Prosecutor for the Jackson County District Attorney's Office, in the manner indicated below, on this 14<sup>th</sup> day of January, 2020, pursuant to the Texas Rules of Appellate Procedure.



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Luis A. Martinez

***Via E-mail:* [douglas.norman@nuecesco.com](mailto:douglas.norman@nuecesco.com)**

Mr. Douglas K. Norman

Jackson Co. Special Prosecutor

Jackson County District Atty's Office

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***Attorney for the State***